

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
ASSOCIATION LOCAL 262 ANNUITY  
FUND, Individually And On Behalf Of All  
Others Similarly Situated,

Plaintiff,

v.

LEHMAN BROTHERS HOLDINGS, INC.,  
RICHARD S. FULD JR., CHRISTOPHER M.  
O'MEARA, JOSEPH M. GREGORY, and  
ERIN CALLAN,

Defendants.

CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**NOTICE OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

**NOTICE OF MOTION AND MOTION TO ADMIT COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Avi Josefson, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Jon F. Worm  
Firm Name: Bernstein Litowitz Berger & Grossmann LLP  
Address: 12481 High Bluff Drive, Suite 300  
City/State/Zip: San Diego, CA 92130  
Phone Number: (858) 793-0070  
Fax Number: (858) 667-0323  
Email Address: JonW@blbglaw.com

2008 SEP -3 11:11  
S.D. OF N.Y.

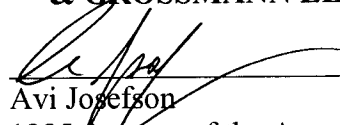
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60485-662029  
SEP 03 2008

Jon F. Worm is a member in good standing of the Bars of the State of California and the State of Illinois. There are no pending disciplinary proceedings against Jon F. Worm in any State or Federal Court.

Dated: September 3, 2008

Respectfully submitted,  
**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

  
\_\_\_\_\_  
Avi Josefson  
1285 Avenue of the Americas  
New York NY 10019  
Telephone: 212-554-1400  
Fax: 212-554-1444

*Co-Lead Counsel for Lead Plaintiffs*

**UNITED STATES DISTRICT COURT  
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CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**AFFIDAVIT OF AVI JOSEFSON IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

State of New York                     )  
  )  
County of New York                 )                 ss.

Avi Josefson, being duly sworn, hereby deposes and says as follows:

1. I am an associate at Bernstein Litowitz Berger & Grossmann LLP, Co-Lead Counsel for the Lead Plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the Lead Plaintiffs' motion to admit Jon F. Worm as counsel *pro hac vice* to represent the Lead Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 2003. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Worm is an associate at Bernstein Litowitz Berger & Grossmann LLP in San Diego, California.

4. I have found Mr. Worm to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move the admission of Jon F. Worm, *pro hac vice*.

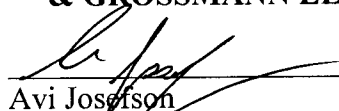
6. In compliance with Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I have attached Certificates of Good Standing for Mr. Worm from California and Illinois issued within the past thirty days.

7. I respectfully submit a proposed order granting the admission of Jon F. Worm, *pro hac vice*, which is also attached.

WHEREFORE it is respectfully requested that the motion to admit Jon F. Worm, *pro hac vice*, to represent the Lead Plaintiffs in the above-captioned matter, be granted.

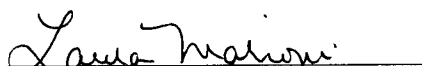
Dated: September 3, 2008

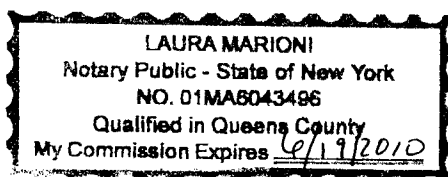
Respectfully submitted,  
**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

  
Avi Josefson  
1285 Avenue of the Americas  
New York NY 10019  
Telephone: 212-554-1400  
Fax: 212-554-1444

Sworn to and subscribed before me

this 3rd day of September, 2008.

  
Notary Public



*Co-Lead Counsel for Lead Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
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Defendants.

CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**ORDER FOR ADMISSION *PRO HAC*  
*VICE* ON WRITTEN MOTION**

Upon the motion of Avi Josefson, Co-Lead Counsel for the Lead Plaintiffs, and said  
sponsor attorney's affirmation in support;

IT IS HEREBY ORDERED that

Applicant's Name:	Jon F. Worm
Firm Name:	Bernstein Litowitz Berger & Grossmann LLP
Address:	12481 High Bluff Drive, Suite 300
City/State/Zip:	San Diego, CA 92130
Phone Number:	(858) 793-0070
Fax Number:	(858) 793-0323
Email Address:	JonW@blbglaw.com

is admitted to practice *pro hac vice* as counsel for the Lead Plaintiffs in the above captioned case  
in the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the Rules

governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lewis A. Kaplan, U.S. District Judge



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

August 28, 2008

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JON F. WORM, #248260 was admitted to the practice of law in this state by the Supreme Court of California on January 24, 2007; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over the printed name.

Kath Lambert  
Custodian of Membership Records

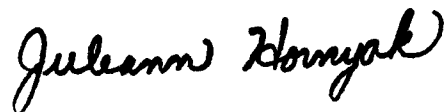
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Jon F. Worm

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 2003 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Wednesday, August 27, 2008.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk



**CERTIFICATE OF SERVICE**

I, Avi Josefson, hereby certify that I filed true and correct copies of the foregoing documents:

- *PRO HAC VICE* MOTION, AFFIDAVIT, AND PROPOSED ORDER.

on Sept. 3, 2008 with the Clerk of the Court. All counsel on the attached Service List have been served copies of the forgoing documents via the U.S. Postal Service.

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**



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Telephone: 212-554-1400  
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*Co-Lead Counsel for Lead Plaintiffs*

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*Counsel for The Pension Fund Group*